

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

GEORGE BRUMITT,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO. 2:05cv396-WHA-DRB
)	
UNIFUND CCR PARTNERS, UNIFUND)	
CORPORATION, CREDIT CARD)	
RECEIVABLES FUND INCORPORATED)	
AND ZB LIMITED PARTNERSHIP,)	
)	
DEFENDANT(S).)	

DEFENDANTS' UNOPPOSED MOTION TO EXTEND TIME TO FILE
REVISED AND AMENDED MOTION TO DISMISS

Defendants, Unifund CCR Partners ("Unifund CCR"), Unifund Corporation, Credit Card Receivables Fund, Incorporated, and ZB Limited Partnership (collectively the "Defendants"), by and through counsel, respectfully request an additional fourteen (14) days to file a revised and amended motion to dismiss the claims of Plaintiff, George Brumitt (the "Plaintiff") as set forth in the First Amended Complaint. In support of this Motion, the Defendants state as follows:

1. On April 29, 2005, the Plaintiff filed his three-count Complaint asserting Fair Debt Collection Practices Act ("FDCPA") claims against the Defendants, on behalf of himself and on behalf of a putative class.

2. On June 15, 2005, Defendants filed a Motion to Dismiss the claims asserted in the Complaint because Plaintiff and the purported putative class failed

to state a claim and this Court lacked jurisdiction. Plaintiff filed a response to the Motion to Dismiss on July 5, 2005.

3. On June 28, 2005, however, Plaintiff dismissed the class action allegations and filed a Motion for Leave to Amend the Complaint. The First Amended Complaint dramatically alters the allegations in the Complaint in that it only asserts Plaintiff's individual claims.

4. In light of this fact, Defendants request that the previous Motion to Dismiss be mooted and Defendant be allowed until July 26, 2005 to file a revised and amended Motion to Dismiss based upon the allegations in the First Amended Complaint.

5. The parties will not be prejudiced by this extension. Said continuance is also in the interest of judicial economy. Specifically, Defendants want to avoid having the Court consider the Motion to Dismiss that was previously filed which was based upon the allegations in the original Complaint.

6. Plaintiff does not oppose and consents to this motion.

7. Moreover, the parties have had and continue to have extensive settlement negotiations.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Court extend the time to file a revised and amended Motion to

Dismiss based upon the allegations in the First Amended Complaint for an additional fourteen (14) days until July 26, 2005.

Respectfully submitted,

/s/ Joshua H. Threadcraft

John P. Scott, Jr.

Bar No.: ASB 3636-O69J

Rik S. Tozzi

Bar No.: ASB 7144-Z48R

Joshua H. Threadcraft

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Complaint as Unifund CCR Partners,
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CERTIFICATE OF SERVICE

I do hereby certify that on this the 12th day of July, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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